

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHARLES CAIRNS and THERESA CAIRNS,	)	
	)	
Plaintiffs,	)	
	)	Case No. 3:16 cv-01226
vs.	)	
	)	
JACK HICKS TRUCKING COMPANY	)	
and RONNIE A. HEATON, as Agent and	)	
Employee of JACK HICKS TRUCKING COMPANY,	)	
	)	
Defendant.	)	

**COMPLAINT**

Comes now Plaintiffs, CHARLES CAIRNS and THERESA CAIRNS, by and through their undersigned attorney, The Perica Law Firm, and alleges the following complaint:

**THE PARTIES**

1. Plaintiff CHARLES CAIRNS is a citizen of the State of Illinois, and resides at 33801 Albrite St., in the City of Brighton, County of Jersey, State of Illinois.
2. Plaintiff THERESA CAIRNS is a citizen of the State of Illinois, and resides at 33801 Albrite St., in the City of Brighton, County of Jersey, State of Illinois.
3. Defendant JACK HICKS TRUCKING COMPANY is a citizen of the State of North Carolina where it is incorporated and where it maintains its principal place of business in Elk Park, North Carolina.
4. Defendant RONNIE A. HEATON, acting as Agent and Employee of JACK HICKS TRUCKING COMPANY is a citizen of Tennessee.

**JURISDICTION**

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §

1332. There is complete diversity between the parties, and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391.

### COUNT I

Comes now Plaintiff, CHARLES CAIRNS, by his attorney, The Perica Law Firm, and for Count I of his cause of action against Defendant, JACK HICKS TRUCKING COMPANY and RONNIE A. HEATON, as Agent and Employee of JACK HICKS TRUCKING COMPANY, states as follows:

7. That at all times mentioned herein, Plaintiff, CHARLES CAIRNS, was living at 33801 Albrite St., in the City of Brighton, County of Jersey, State of Illinois;

8. That on or about December 2, 2015, at approximately 8:27 a.m., Defendant, JACK HICKS TRUCKING COMPANY by and through its Agent and Employee, RONNIE A. HEATON, was traveling in a westerly direction along and upon I 40 W at Cherry Street, when he hit Plaintiff's automobile, striking said automobile on the left side, in the City of Knoxville, County of Knox, State of Tennessee;

9. That on the above date and time, Plaintiff, CHARLES CAIRNS, was exercising ordinary care for his own safety and was operating his vehicle in an westerly direction along and upon I 40 W at Cherry Street and was stopped because traffic was backed up during rush hour, in the City of Knoxville, County of Knox, State of Tennessee;

10. That on the above date and time the vehicle being driven by Defendant, RONNIE A. HEATON, violently collided with the vehicle driven by Plaintiff, CHARLES CAIRNS, causing injuries to Plaintiff as are hereinafter alleged;

11. That on the above date and time, Defendant, JACK HICKS TRUCKING COMPANY by and through its Agent and Employee, RONNIE A. HEATON, was then and there guilty of one or more of the following negligent acts or omissions:

- a. Failed to reduce his speed to avoid an accident;
- b. Failed to keep his vehicle under control;
- c. Failed to keep a proper distance;
- d. Failed to keep a proper lookout for Plaintiff and others traveling upon the roadway;

12. That as a direct and proximate result of Defendant's negligence as above set forth, Plaintiff, CHARLES CAIRNS, was then and there injured in his neck and back;

13. That Plaintiff was hindered and prevented from attending to his usual duties and affairs;

14. That Plaintiff has in the past and will in the future become liable for large sums of money for hospital and medical treatment in endeavoring to become healed and cured of his injuries;

15. That Plaintiff has in the past and will in the future lose large sums of monies, which would have otherwise accrued to him.

WHEREFORE, Plaintiff, CHARLES CAIRNS, prays for judgment against the Defendant, JACK HICKS TRUCKING COMPANY and RONNIE A. HEATON, as Agent and Employee of JACK HICKS TRUCKING COMPANY for an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) plus costs of suit.

## COUNT II

Comes now Plaintiff, THERESA CAIRNS, by her attorney, The Perica Law Firm, and for Count II of her cause of action against Defendant, JACK HICKS TRUCKING COMPANY and RONNIE A. HEATON, as Agent and Employee of JACK HICKS TRUCKING COMPANY, states as follows:

16. That at all times mentioned herein, Plaintiff, THERESA CAIRNS, was living at 33801 Albrite St., in the City of Brighton, County of Jersey, State of Illinois;

17. That on or about December 2, 2015, at approximately 8:27 a.m., Defendant, JACK HICKS TRUCKING COMPANY by and through its Agent and Employee, RONNIE A. HEATON, was traveling in a westerly direction along and upon I 40 W at Cherry Street, when he hit Plaintiff's automobile, striking said automobile on the left side, in the City of Knoxville, County of Knox, State of Tennessee;

18. That on the above date and time, Plaintiff, THERESA CAIRNS, was a passenger in an automobile being operated by CHARLES CAIRNS, and was exercising ordinary care for her own safety, traveling in a westerly direction along and upon I 40 W at Cherry Street and was stopped because of a traffic back up during rush hour, in the City of Knoxville, County of Knox, State of Tennessee;

19. That on the above date and time the vehicle being driven by Defendant, RONNIE A. HEATON, violently collided with the vehicle that Plaintiff, THERESA CAIRNS, was a passenger in causing injuries to Plaintiff as are hereinafter alleged;

20. That on the above date and time, Defendant, JACK HICKS TRUCKING

COMPANY by and through its Agent and Employee, RONNIE A. HEATON, was then and there guilty of one or more of the following negligent acts or omissions:

- a. Failed to reduce his speed to avoid an accident;
- b. Failed to keep his vehicle under control;
- c. Failed to keep a proper distance;
- d. Failed to keep a proper lookout for Plaintiff and others traveling upon the roadway;

21. That as a direct and proximate result of Defendant's negligence as above set forth, Plaintiff, THERESA CAIRNS, was then and there injured in her neck and was blinded in her right eye;

22. That Plaintiff was hindered and prevented from attending to her usual duties and affairs;

23. That Plaintiff has in the past and will in the future become liable for large sums of money for hospital and medical treatment in endeavoring to become healed and cured of her injuries;

24. That Plaintiff has in the past and will in the future lose large sums of monies, which would have otherwise accrued to her.

WHEREFORE, Plaintiff, THERESA CAIRNS, prays for judgment against the Defendant, JACK HICKS TRUCKING COMPANY and RONNIE A. HEATON, as Agent and Employee of JACK HICKS TRUCKING COMPANY for an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00) plus costs of suit.

CHARLES CAIRNS AND THERESA  
CAIRNS, PLAINTIFFS,

THE PERICA LAW FIRM, P. C.,

By: /s/Bob L. Perica

BOB L. PERICA, #06184457

229 East Ferguson Avenue

Wood River, IL 62095

Telephone: (618) 251-4400

Facsimile: (618) 251-9820

bob@pericalawfirm.com